



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1137/P1 P2

PG:eev:ph

STAYS

DOA:.....Hynek, BB0370 - Charter School Authorizing Board

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

internal refs ↓

1 AN ACT ^{don't gen}; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 15.07 (1) (a) 7. of the statutes is created to read:
3 15.07 (1) (a) 7. ^{The} Members of the charter school oversight board appointed under
4 s. 15.375 (1) (a) 2.
~~s. (15.56) shall be appointed as provided in that section.~~

5 SECTION 2. 15.07 (2) (c) of the statutes is created to read:
6 15.07 (2) (c) The chairperson of the charter school oversight board shall be
7 designated by the governor.

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15.375 (1)

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15.375 (1)

SECTION 3. 15.56 of the statutes is created to read:

No B, CS

(a)

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15.56 Charter school oversight board. (1) There is created a charter school

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oversight board ~~consisting~~ of the state superintendent of public instruction and the

15.03. The board shall consist

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following members appointed for 3-year terms:

5

1. (a) ~~Two~~ Four members appointed by the governor, at least one of whom has served

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on the governing board of a charter school established under s. 118.40 (2r), has been

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employed by a charter school established under s. 118.40 (2r), or has served on the

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governing body of an entity specified in s. 118.40 (2r) (b) 1. a. to e.

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(b) 1. ~~One~~ 2. a. One member, who is not a legislator, appointed by the senate majority

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leader.

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(2) One member, who is not a legislator, appointed by the senate minority leader.

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(3) One member, who is not a legislator, appointed by the speaker of the

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assembly.

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(4) One member, who is not a legislator, appointed by the assembly minority

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leader.

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(b) (2) The appointing authorities under sub. (1) shall ensure to the extent feasible

par. (a)

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that members appointed to the board are geographically diverse and have experience

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and expertise in governing public and nonprofit organizations; in management and

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finance; in public school leadership, assessment, and curriculum and instruction;

20

and in education law; and understand and are committed to the use of charter schools

21

to strengthen public education.

22

(c) (3) No member of the board appointed under sub. (1) may serve more than 2

par. (a)

23

consecutive terms.

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(d) (4) The board does not have rule-making authority.

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~~SECTION 4. 20.265 of the statutes is created to read.~~

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~~20.255(4)~~
20.265 Charter school oversight board. There is appropriated to the
 charter school oversight board for the following programs:
 (1) SUPPORT OF CHARTER SCHOOLS. (g) Oversight. All moneys received as fees
 under s. 118.40 (4) (ar) 3. to perform its functions under s. 118.40.
 (h) Gifts and grants. All moneys received from gifts and grants for the purposes
 for which made.
 SECTION 5. 20.923 (4) (e) ^{10.} (c) of the statutes is created to read:
 20.923 (4) (e) (c) ^{Public instruction;} Charter school oversight board: executive director.
 SECTION 6. 20.923 (6) (aLm) of the statutes is created to read:
 20.923 (6) (aLm) Charter school oversight board: unclassified professional
 staff.

by the charter school oversight board

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SECTION 7. 111.81 (7) (f) of the statutes is amended to read:

111.81 (7) (f) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.

SECTION 8. 111.815 (1) of the statutes is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining unit specified in s. 111.825 (1r), and (1t), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective

1 111.81 (7) (f) Instructional staff employed by the board of regents of the
2 University of Wisconsin System who provide services for a charter school established
3 by contract under s. 118.40 (2r) (cm), 2011 stats.

4 **SECTION 4.** 111.815 (1) of the statutes ^{as affected by 2011 Wisconsin} is amended to read: ^{Acts 10 and 32,}

5 111.815 (1) In the furtherance of this subchapter, the state shall be considered
6 as a single employer and employment relations policies and practices throughout the
7 state service shall be as consistent as practicable. The office shall negotiate and
8 administer collective bargaining agreements. To coordinate the employer position
9 in the negotiation of agreements, the office shall maintain close liaison with the
10 legislature relative to the negotiation of agreements and the fiscal ramifications of
11 those agreements. Except with respect to the collective bargaining unit specified in
12 s. 111.825 (1r), and (1t), the office is responsible for the employer functions of the
13 executive branch under this subchapter, and shall coordinate its collective
14 bargaining activities with operating state agencies on matters of agency concern.
15 The legislative branch shall act upon those portions of tentative agreements
16 negotiated by the office that require legislative action. With respect to the collective
17 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University
18 of Wisconsin System is responsible for the employer functions under this subchapter.
19 With respect to the collective bargaining units specified in s. 111.825 (1t), the
20 chancellor of the University of Wisconsin-Madison is responsible for the employer
21 functions under this subchapter. With respect to the collective bargaining unit
22 specified in s. 111.825 (1r) (ef), the governing board of the charter school established
23 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer
24 functions under this subchapter.

1 bargaining activities with operating state agencies on matters of agency concern.
2 The legislative branch shall act upon those portions of tentative agreements
3 negotiated by the office that require legislative action. With respect to the collective
4 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University
5 of Wisconsin System is responsible for the employer functions under this subchapter.
6 With respect to the collective bargaining units specified in s. 111.825 (1t), the
7 chancellor of the University of Wisconsin-Madison is responsible for the employer
8 functions under this subchapter. With respect to the collective bargaining unit
9 specified in s. 111.825 (1r) (ef), the governing board of the charter school established
10 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer
11 functions under this subchapter.

12 **SECTION 9.** 111.825 (1r) (ef) of the statutes, as affected by 2011 Wisconsin Act
13 32, is amended to read:

14 111.825 (1r) (ef) Instructional staff employed by the board of regents of the
15 University of Wisconsin System who provide services for a charter school established
16 by contract under s. 118.40 (2r) (cm), 2011 stats.

17 **SECTION 10.** 111.825 (2) (f) of the statutes is amended to read:

18 111.825 (2) (f) Instructional staff employed by the board of regents of the
19 University of Wisconsin System who provide services for a charter school established
20 by contract under s. 118.40 (2r) (cm), 2011 stats.

21 **SECTION 11.** 111.92 (1) (c) of the statutes is amended to read:

22 111.92 (1) (c) Any tentative agreement reached between the governing board
23 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
24 acting for the state, and any labor organization representing a collective bargaining
25 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor

1 organization and approval by the chancellor of the University of
2 Wisconsin-Parkside, be executed by the parties.

3 SECTION 12. 115.001 (1) of the statutes is amended to read:

4 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
5 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
6 118.40 (2r) (b) 1., or a school established and operated by ~~one of the entities~~ an entity
7 under s. 118.40 (2r) (b) 1. a. to d.

8 SECTION 13. 118.395 of the statutes is created to read:

9 **118.395 Charter school oversight board; executive director, staff. (1)**

10 The charter school oversight board shall appoint an executive director outside the
11 classified service. The executive director shall coordinate the activities of the board
12 and exercise such further powers, functions, and duties as the board prescribes.

13 (2) The executive director of the charter school oversight board may employ 4
14 professional staff members outside the classified service. Subject to authorization
15 under s. 16.505, the executive director may employ additional professional staff
16 members outside the classified service.

17 SECTION 14. 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2) (b)
18 and amended to read:

19 118.40 (2) (b) A school board may grant a petition that would result in the
20 conversion of all of the public schools in the school district to charter schools if all of
21 the following apply:

22 SECTION 15. 118.40 (2) (b) 1. and 2. of the statutes are repealed.

23 SECTION 16. 118.40 (2m) (b) of the statutes is amended to read:

1 118.40 (2m) (b) A school board may not enter into a contract under par. (a) that
2 would result in the conversion of all of the public schools in the school district to
3 charter schools unless the school board complies with sub. (2) (b) 2.

4 **SECTION 17.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

5 118.40 (2r) (b) 1. (intro.) All Except as provided in subd. 3., any of the following
6 entities may establish by charter and operate a charter school or, on behalf of their
7 respective entities, may initiate a contract with an individual or group a person to
8 operate a school as a charter school:

9 **SECTION 18.** 118.40 (2r) (b) 1. e. of the statutes is created to read:

10 118.40 (2r) (b) 1. e. Any nonprofit, nonsectarian organization or consortium of
11 such organizations approved by the charter school oversight board under par. (bm).

12 **SECTION 19.** 118.40 (2r) (b) 2. of the statutes is renumbered 118.40 (2r) (b) 2.
13 (intro.) and amended to read:

14 118.40 (2r) (b) 2. (intro.) A charter shall include all of the provisions specified
15 under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified
16 under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the
17 charter school on the liability of the contracting entity under this paragraph. The
18 contract shall also include all of the following provisions and may include other
19 provisions agreed to by the parties. ~~The chancellor of the University of~~
20 ~~Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish~~
21 ~~or enter into a contract for the establishment of a charter school under this~~
22 ~~paragraph without the approval of the board of regents of the University of~~
23 ~~Wisconsin System.:~~

24 **SECTION 20.** 118.40 (2r) (b) 2. a. to ^hc. of the statutes are created to read:

Annual academic and operational

governing board

1 118.40 (2r) (b) 2. a. A requirement that the charter school operator adhere to
2 specified performance standards ~~and the consequences of failing to do so.~~ (7-2)

3 b. A provision allowing the ~~operator~~ ^{governing board} of a charter school that receives a rating
4 of "exceeds expectations" or "significantly exceeds expectations" in the most recent
5 school report published by the department under s. 115.385 to contract with the
6 entity to open additional charter schools.

****NOTE: Section 115.385 is created in 2013 LRB-1158.

****NOTE: ~~The instructions would allow the operator "to replicate schools without additional administrative burden."~~ I wasn't sure what that meant, so I did not include it.

7 ~~c. A requirement that the charter school operator report to the entity with
8 which it contracts whenever the entity intends to transfer 20 percent or more of the
9 pupils attending a charter school to another school or schools.~~

****NOTE: In what circumstances may a charter school "transfer" pupils to another school? I don't think current law or this draft authorizes a charter school to do so.

10 SECTION 21. 118.40 (2r) (b) 3. of the statutes is repealed and recreated to read:
11 118.40 (2r) (b) 3. If an entity specified in subd. 1. a. to d. is operating a charter
12 school itself on the effective date of this subdivision [LRB inserts date], it may
13 continue to do so.

14 SECTION 22. 118.40 (2r) (bm) of the statutes is repealed and recreated to read:
15 118.40 (2r) (bm) 1. A nonprofit, nonsectarian organization or a consortium of
16 such organizations that wishes to contract with a ~~person~~ ^{charter school governing board} to operate a charter school
17 shall submit an application to the charter school oversight board. The application
18 shall include all of the following and any other information requested by the board:

19 a. A plan to protect the autonomy of the charter schools under contract with the
20 organization or consortium.

(7-9) →

(7-20) →

1 d. ~~z~~ A plan to improve or close any charter school under contract with the
2 organization or consortium, based on contractual performance standards.

3 ~~d. c. A plan for the presumptive approval of contracts with successful charter
4 school operators.~~

5 e. ~~z~~ A description of the types of charter schools the organization or consortium
6 is seeking to establish, and their potential attendance areas.

7 e. The charter school accountability provisions that the organization or
8 consortium intends to include in its contracts with operators.

***NOTE: What is meant by "protecting the autonomy of charter schools" in subd.
1. a? In subd. 1. c, what is meant by "presumptive approval"?

8-8 →

9 2. The charter school oversight board shall approve or deny an application
10 within 90 days of receiving the application.

11 SECTION 23. 118.40 (2r) (c) of the statutes is repealed and recreated to read:

12 118.40 (2r) (c) 1. An entity under par. (b) 1. may contract for the operation of
13 a charter school located anywhere in this state.

charter school governing board

14 2. An entity under par. (b) 1. may not contract with a ~~person~~ to operate a charter
15 school if any school operated by that ~~person~~ ^{*governing board*} has a rating of "fails to meet
16 expectations" or "meets few expectations" in the most recent school report published
17 by the department under s. 115.385, or for 7 years after a school operated by that
18 ~~person~~ ^{*governing board*} had a contract nonrenewed by an entity under par. (b) 1. or was closed due
19 to poor performance.

20 3. An entity under par. (b) 1. may refuse to renew a contract with a charter
21 school ~~operator~~ ^{*governing board*} if the school under contract consistently receives the ratings
22 specified in subd. 2.

23 SECTION 24. 118.40 (2r) (cm) of the statutes is repealed.

1 (b) shall consider adhere to the principles and standards for quality charter schools
2 established by the National Association of Charter School Authorizers.

3 SECTION 29. 118.40 (3) (f) of the statutes is created to read:

4 118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may
5 provide for the establishment of more than one charter school, and a charter school
6 governing board may enter into more than one contract with a school board or entity
7 under sub. (2r) (b).

8 SECTION 30. 118.40 (3) (g) of the statutes is created to read:

9 118.40 (3) (g) 1. Except as provided in subds. 2. and 3. and sub. (4) (ar) 1., a
10 contract with a school board or an entity under sub. (2r) (b) shall require that if the
11 capacity of the charter school is insufficient to accept all pupils who apply, the charter
12 school shall accept pupils at random.

13 2. A charter school shall give preference in enrollment to pupils who were
14 enrolled in the charter school in the previous school year and to siblings of pupils who
15 are enrolled in the charter school.

16 3. A charter school may give preference in enrollment to the children of the
17 charter school's founders, governing board members, and full-time employees, but
18 the total number of such children given preference may constitute no more than 10
19 percent of the charter school's total enrollment.

20 SECTION 31. 118.40 (3m) ^{(title) and} (intro.) of the statutes ^{are} is created to read:
21 118.40 (3m) ^(a) ^(title) CHARTER SCHOOL OVERSIGHT BOARD ^{AUTHORIZING ENTITY} DUTIES. ^(a) (intro.) A school board
22 or entity under sub. (2r) (b) shall do all of the following:

23 SECTION 32. 118.40 (3m) ^(a) ^{(a) 1. and 4. to 6.} (a) and (d) to (f) of the statutes are created to read:

24 118.40 (3m) (a) ^{1.} Solicit and evaluate charter school applications.

① 4. ~~(a)~~ Approve only high-quality charter school applications that meet identified
2 educational needs and promote a diversity of educational choices.

③ 5. ~~(a)~~ In accordance with the terms of each charter school contract, monitor the
4 performance and compliance with this section of each charter school with which it
5 contracts.

⑥ 6. ~~(a)~~ Annually, submit to the state superintendent and to the legislature under
7 s. 13.172 (2) a report that includes all of the following:

⑧ a. ~~(a)~~ An identification of each charter school operating under contract with it,
9 each charter school that operated under a contract with it but had its contract
10 nonrenewed or revoked or that closed, and each charter school under contract with
11 it that has not yet begun to operate.

⑫ b. ~~(a)~~ The academic and financial performance of each charter school operated
13 under contract with it.

⑭ c. ~~(a)~~ The operating costs of the school board or entity under sub. (2r) (b) incurred
15 under ~~pars. (a) to (e)~~ ^{Subds. 1. to 5.}, detailed in an audited financial statement prepared in
16 accordance with generally accepted accounting principles.

⑰ d. ~~(a)~~ The services the school board or entity under sub. (2r) (b) has provided to the
18 charter schools under contract with it and an itemized accounting of the cost of the
19 services.

11-19 →

20 SECTION 33. 118.40 (4) (title) of the statutes is amended to read:

21 118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND
22 RESTRICTIONS.

23 SECTION 34. 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and
24 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

1 118.40 (4) (ar) *Duties*. (intro.) A charter school governing board shall do all of
2 the following:

3 **SECTION 35.** 118.40 (4) (ag) of the statutes is created to read:

4 118.40 (4) (ag) *Governing board*. Each charter school shall be governed by a
5 governing board that is a party to the contract with the authorizing entity. No more
6 than a minority of the governing board's members may be staff of the charter school
7 or of the school district in which the charter school is located.

8 **SECTION 36.** 118.40 (4) (ar) 3. of the statutes is created to read:

9 ~~118.40 (4) (ar) 3. If the governing board is under contract with an entity under
10 sub. (2r) (b), annually pay to the charter school oversight board a fee equal to the
11 amount determined by multiplying the operational costs of all charter schools that
12 it operated under the contract in the previous school year by 0.02. In order to
13 determine the fee payable in the first school year of operation, the governing board
14 shall estimate its total operational costs in that school year.~~

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14

15 **SECTION 37.** 118.40 (4) (b) 2. of the statutes is amended to read:

16 118.40 (4) (b) 2. Except as provided in ~~par. (e)~~ sub. (3) (h), discriminate in
17 admission or deny participation in any program or activity on the basis of a person's
18 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,
19 sexual orientation or physical, mental, emotional or learning disability.

20 **SECTION 38.** 118.40 (4) (c) of the statutes is renumbered 118.40 (3) (h) and
21 amended to read:

22 118.40 (3) (h) ~~*Single-sex schools and courses*~~. A school board may enter into
23 a contract for, and an entity under sub. (2r) may establish or enter into a contract for,
24 the establishment of establish a charter school that enrolls only one sex or that
25 provides one or more courses that enroll only one sex if the school board or entity

1 under sub. (2r) makes available to the opposite sex, under the same policies and
2 criteria of admission, schools or courses that are comparable to each such school or
3 course.

4 **SECTION 39.** 118.40 (4) (d) of the statutes is created to read:

5 118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school
6 governing board has all the powers necessary to carry out the terms of its contract,
7 including the following:

8 1. To receive and disburse funds for school purposes.

9 2. To secure appropriate insurance.

10 3. To enter into contracts, including contracts with a University of Wisconsin
11 institution or college campus, technical college district board, or private college or
12 university, for technical or financial assistance, academic support, curriculum
13 review, or other services.

14 4. To incur debt in reasonable anticipation of the receipt of funds.

15 5. To pledge, assign, or encumber its assets to be used as collateral for loans or
16 extensions of credit.

17 6. To solicit and accept gifts or grants for school purposes.

18 7. To acquire real property for its use.

19 8. To sue and be sued in its own name.

20 **SECTION 40.** 118.40 (6) of the statutes is amended to read:

21 118.40 (6) PROGRAM VOLUNTARY. No Unless all of the public schools in a school
22 district have been converted to charter schools under sub. (2) (b) or (2m) (b), no pupil
23 may be required to attend a charter school without his or her approval, if the pupil
24 is an adult, or the approval of his or her parents parent or legal guardian, if the pupil
25 is a minor.

1 ~~SECTION 41. 118.40 (7) (am) 1. of the statutes is amended to read:~~

2 ~~118.40 (7) (am) 1. Except as provided in subds. subd. 2. and 3., if a charter~~
3 ~~school is established under sub. (2m) and located in the school district operating~~
4 ~~under ch. 119, the school board of that school district shall determine whether or not~~
5 ~~the charter school is an instrumentality of the school district. If the school board~~
6 ~~determines that a charter school is an instrumentality of the school district, the~~
7 ~~school board shall employ all personnel for the charter school. If the school board~~
8 ~~determines that a charter school is not an instrumentality of the school district, the~~
9 ~~school board may not employ any personnel for the charter school.~~

10 SECTION 42. 118.40 (7) (am) 3. of the statutes is repealed.

11 SECTION 43. 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ar).

12 SECTION 44. 118.51 (1) (ag) of the statutes is created to read:

13 118.51 (1) (ag) "Charter school" excludes a school under contract with an entity
14 under s. 118.40.(2r) (b).

15 ~~SECTION 45. 230.08 (2) (wc) of the statutes is created to read:~~

16 ~~230.08 (2) (wc) Professional staff members of the charter school oversight~~
17 ~~board authorized under s. 118.395 (2).~~

18 SECTION 46. 230.35 (1s) of the statutes is amended to read:

19 230.35 (1s) Annual leave of absence with pay for instructional staff employed
20 by the board of regents of the University of Wisconsin System who provide services
21 for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,
22 shall be determined by the governing board of the charter school established by
23 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the
24 University of Wisconsin-Parkside.

25 SECTION 9134. Nonstatutory provisions; Public Instruction.

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ad

14-17

1 (1) CHARTER SCHOOL OVERSIGHT BOARD. Notwithstanding section 15.56 (1) of the
 2 statutes, as created by this act, of the initial members appointed to the charter school
 3 oversight board under section 15.56 (1) (a) of the statutes, as created by this act, one
 4 member shall be appointed for a term expiring on May 1, 2016, and one member shall
 5 be appointed for a term expiring on May 1, 2017; of the initial members appointed
 6 under section 15.56 (1) (b) of the statutes, as created by this act, the member
 7 appointed under section 15.56 (1) (b) 1. of the statutes, as created by this act, shall
 8 be appointed for a term expiring on May 1, 2015, the member appointed under
 9 section 15.56 (1) (b) 2. of the statutes, as created by this act, shall be appointed for
 10 a term expiring on May 1, 2016, the member appointed under section 15.56 (1) (b)
 11 3. of the statutes, as created by this act, shall be appointed for a term expiring on May
 12 1, 2017, and the member appointed under section 15.56 (1) (b) 4. of the statutes, as
 13 created by this act, shall be appointed for a term expiring on May 1, 2018.

SECTION 9334. Initial applicability; Public Instruction.

15 (1) CHARTER SCHOOL CONTRACTS. The treatment of section 118.40 (2r) (b) 2. and
 16 (c), (3) (e) and (g), (4) (ag) and (d), and (7) (am) 3. of the statutes first applies to a
 17 contract for the establishment of a charter school that is entered into, renewed, or
 18 modified on the effective date of this subsection.

(END)

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7-2

~~That may be revised during the term of the contract by the parties~~

✓

developed in accordance with the performance ~~model~~ framework of the entity with ^{which} ~~whom~~ the governing ^{it is} ~~entity~~ contracting, this may be

2-9:1

c. The methodology that will be used by the charter school ~~operator~~ ^{governing board} to monitor and verify ~~the~~ pupil enrollment, credit accrual, and course completion.

d. A description of the ^{administrative} relationship between the parties to the contract.

e. A requirement that the charter school ~~operator~~ ^{governing board} hold parent-teacher conferences at least annually.

f. A requirement that if more than one charter school ~~is~~ operated under the ~~the~~ contract, the charter school governing board ^{reports} to the entity under sub c. 1. ~~reports~~ on each chartered school separately.

g. A requirement that the charter school

7-9:2

governing board the
operator provide data needed by the
entity under subd. 1. for purposes of making
required
the report under sub. (3m)(a) 6.

h. A requirement that the charter
school governing board participate in any
training provided by the entity under
subd. 1.

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a. A strategic plan for contracting with governing boards that submit charter school ^{operations} ~~proposals~~ ^{proposals} for high-quality charter schools that meet identified educational needs and promote a diversity of educational choices.

b. A performance framework for use in supervising and evaluating ^{charter} schools that addresses ^{academic} pupil/proficiency, growth in pupil academic achievement, ^{gaps in} achievement ~~gaps~~ between groups of pupils, ^{pupil} attendance, ~~postsecondary~~ the readiness of pupils for postsecondary education, the financial proficiency and sustainability of charter schools, and charter school management.

c. An assurance that the organization ^{or consortium} will ensure ^{the} accountability and transparency on the part of those charter school governing boards with ^{which} ~~whom~~ it contracts.

8-8

f. Information on the organization's or consortium's finances ^{and other resources necessary} ~~and its ability to~~ the charter school oversight board to for determine ~~the~~ ability to perform its the applicant's functions under this section.

g. A plan for entering into additional ^{contracts} ~~for the purpose of~~ replicate successful charter schools.

the organization's or consortium's

document

✓

11-19

SEC. # CR: 118.40 (3m) (b)

118.40 (3m) (b) An organization or
consortium under sub. (2r) (b) ~~or~~ annually
shall submit a report to the charter
school oversight board that includes all
the information specified in par. (a) 6.

approved by the charter
school oversight board
under sub. (2r) (6m)

12-14

Section #. 118.40 (4) (b) (intro.) of the statutes is amended to read:

~~118.40 (4) (b) Restrictions.~~ (intro.) A charter school ^{governing board} may not do any of the following:

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105.

✓

14-17

SEC. # CR; 227.01(13) (sm)

227.01(13) (sm) Is a ^{standard or} statement of

policy adopted by the charter school

oversight board.

✓

Grant, Peter

From: Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>
Sent: Wednesday, February 06, 2013 8:56 PM
To: Grant, Peter
Subject: LRB 1137, charter school oversight board

Hi Peter - I have a number of changes such that an email seemed easier, but please feel free to give me a call to talk these through.

1. Please add a requirement that applications to be an authorizer include a description of corrective action strategies for underperforming schools (page 7).
2. Please add requirements under the charter school contracts section that: contracts must include provisions related to corrective action if the school fails to meet performance standards; contracts must include direct access to student data for the authorizers; and contracts must permit the authorizer to charge fees as it determines appropriate (page 6).
3. Eliminate the first part of 118.40(2r)(c)2 on page 8, and "or for 7 years..." to the end, and instead provide that authorizers may not contract with operators of schools that fail certain metrics similar to those under 119.23(10), or disqualified persons similar to as under 119.23 (1)(ag). The intent is the match the bad actor provisions in choice and in charter. However, 119.23(10) contains references to various sections that wouldn't be applicable here. We can talk about this one with more specificity.
4. Board makeup - revise to have 2 Governor appointees, the state Superintendent or his appointee, 2 additional appointees of the state Superintendent who must have experience and expertise in governing charter school authorizers or schools; 2 appointees of the Senate majority leader; 2 appointees of the Assembly majority leader; 1 appointee of the Senate minority leader; and 1 appointee of the Assembly minority leader.
5. ~~Fees - I heard from some folks that currently, authorizers are allowed to take a "skim" from the per-pupil payment but I don't see where this is permissible or prohibited in statute. Am I missing something? The intent is that the new contracts should permit the authorizer to take a skim off of the per-pupil payment similar to the way it works currently.~~
6. Replication - I also heard that we wanted to add back in Amendment 8 to SSA 1 to SB 22 from last session. I'm not sure this makes total sense, as the structure is different - but I think we want to permit successful operators to circumvent the process of applying to an authorizer to open a new school. We can talk about this one more too.
7. I know we repealed 118.40(2r)(bm). I just want to make sure that there are no geographic limitations (other than what I'm about to propose) on the ability of students to attend a charter school outside their districts of residence. The schools should be able to draw from anywhere, subject to the next point. Do you agree the draft accomplishes this?
8. As I mentioned on the phone, we would like to go back to the idea that some school districts can prohibit students from attending a 2r charter. In districts with at least 4,000 enrollees and 2 schools with scores of "meets few expectations" or "fails to meet expectations," we would permit students to go to charter schools. In any other district, the school board would have the right of to refuse to permit the student to attend a 2r charter. I think we had a mechanism set up for this at one point - the student will have to provide a copy of an application to a 2r charter to the school board, which must take action to permit or deny within let's say 30 days.
9. On page 11 in the draft, section 30 - I think there was some concern that if the effective date of the budget is in July, the provisions of 118.40(4)(ag) would be immediately applicable to current charter schools, which would be sort of impossible. Can we make this effective September 1, 2013? Also, in this same section, we would like to make sure that "staff" on line 23 includes school board members and school administrators.

Enough for now? Thank Peter!!!

Sara

Grant, Peter

From: Grant, Peter
Sent: Thursday, February 07, 2013 1:17 PM
To: Hynek, Sara - DOA
Subject: RE: LRB 1137, charter school oversight board

Sara, regarding our discussion of item #6: I think you suggested adding a provision stating that if a charter school has a report of "significantly exceeds expectations," the charter school operator may open a new charter school, or perhaps the contract would have to be amended to authorize a new school. I noticed that on page 6, lines 9 to 11, the draft requires that the contract include a provision allowing the governing board of a charter school that exceeds or significantly exceeds expectations to contract with the entity to open additional schools. Isn't that sufficient? If not, we could delete "to contract with the entity" on lines 11-12. That way, the original contract would allow the operator to open additional schools (school?) if the first school achieved a specified report.

Peter

From: Hynek, Sara - DOA [<mailto:Sara.Hynek@Wisconsin.gov>]
Sent: Wednesday, February 06, 2013 8:56 PM
To: Grant, Peter
Subject: LRB 1137, charter school oversight board

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Grant, Peter

From: Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>
Sent: Thursday, February 07, 2013 2:46 PM
To: Grant, Peter
Subject: FW: LRB 1137, charter school oversight board

Hi Peter – I have some additional info.

- ✓ Let's eliminate 118.40(2r)(c)2 on page 8 entirely, and we won't replace it with anything (no mirroring the choice program, no bad actor provisions). Retain 1 and 3, though.
- ✓ Michael confirmed that he thinks the current "skim" provisions are in individual contracts. We can deal with the new contracts in this draft by requiring any and all fees to be charged by the authorizer to be clearly set forth in the contract – maybe add this as a contract requirement under the new 118.40(2r)(b)2?
- ✓ Regarding replication – we are going to go ahead and require authorizers to either amend an existing contract or enter into a new contract if a governing board of a school with a rating of "exceeds expectations" or "significantly exceeds expectations" wants to open an additional school. I think this too would be in 118.40(2r)(b)2?
- ✓ Finally, Michael would still like to have the 9/1/13 effective date for the provisions of 118.40(4)(ag), even though he understands that the effective date provisions would have it be the next contract renewal.

I hope this covers our outstanding issues (for the moment, anyway). Let me know of questions – thanks!

From: Hynek, Sara - DOA
Sent: Wednesday, February 06, 2013 8:56 PM
To: Grant, Peter - LEGIS
Subject: LRB 1137, charter school oversight board

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2/17/13

TC w/ Sara Hynek —

1. ^{the new} qualifications for S.S. appointments are in addition to existing ones in draft.
2. RE replication: ~~with~~ ^{req.} provisions in existing K ~~to~~ that allows a CSGB to open additional schools ^(S) — + existing K w/ cover em.
3. effective dates: Michael Brickman wants effective date for 118.40(4)(ag) to be 9/1/13 — ~~also~~ ^{also} delete (4)(ag) from initial app. provision. (Rest of provisions in initial app. are OK.)

I suggested there would be a problem re conflicts w/ existing K's — but they feel that whether there's a gov. bid or not is outside the contract.